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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION TWO

In re K.M., a Person Coming Under the  
Juvenile Court Law.

B214225  
(Los Angeles County  
Super. Ct. No. J969043)

LOS ANGELES COUNTY  
DEPARTMENT OF CHILDREN AND  
FAMILY SERVICES,

Plaintiff and Respondent,

v.

D.M.,

Defendant and Appellant.

APPEAL from an order of the Superior Court of Los Angeles County. Emily Stevens, Judge. Dismissed by opinion.

Ernesto P. Rey, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance on behalf of Plaintiff and Respondent.

\* \* \* \* \*

D.M. (father), who is incarcerated, filed this appeal on February 13, 2009 from an order terminating his parental rights to his daughter, K.M. On April 28, 2009, father's appointed appellate counsel filed a letter stating that after reviewing the record and researching potential issues, he was unable to file an opening brief on the merits on appellant's behalf. The same day, we notified father that he had 30 days in which to submit by letter or brief any contentions or arguments he wished this court to consider. On May 29, 2009, father filed a letter, along with attachments, arguing that his paternal relatives should have been allowed to pursue adoption or guardianship of his daughter, who is in the process of being adopted by a foster parent. Under *In re Sade C.* (1996) 13 Cal.4th 952, we dismiss the appeal.

"An appealed-from judgment or order is presumed correct. [Citation.] Hence, the appellant must make a challenge. In so doing, he must raise claims of reversible error or other defect [citation], and 'present argument and authority on each point made' [citations]. If he does not, he may, in the court's discretion, be deemed to have abandoned his appeal. [Citation.] In that event, it may order dismissal. [Citation.] Such a result is appropriate here. With no error or other defect claimed against the orders appealed from, [we are] presented with no reason to proceed to the merits of any unraised 'points'—and, a fortiori, no reason to reverse or even modify the orders in question. [Citation.]" (*In re Sade C., supra*, 13 Cal.4th at p. 994, fn. omitted.)

Having reviewed father's letter and attachments, we conclude that he raises no issue we can recognize on appeal. Father complains that a social worker recommended in 2000 that the paternal grandmother not be allowed to pursue adoption of K.M. because she had not made any serious effort to visit or become acquainted with K.M. Father points out that K.M. has been placed with her prospective adoptive parent since 2004. Father's time to appeal any placement order or decision regarding placement with persons other than paternal relatives has long since passed. Father does not otherwise provide any reasoned argument or authority as to why the court's order terminating his parental rights constituted reversible error. Therefore, we find that father has in effect

abandoned his appeal, and, as permitted by *In re Sade C.*, *supra*, 13 Cal.4th at page 994, we hereby dismiss the appeal.

**DISPOSITION**

The appeal filed February 13, 2009 is dismissed.

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\_\_\_\_\_, J.

DOI TODD

We concur:

\_\_\_\_\_, P. J.

BOREN

\_\_\_\_\_, J.

ASHMANN-GERST